THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25273 OF 2004

Dated: 24th November, 2005.

Between:

1) A. Vijaya Rama Rao and others. … Petitioners

And

1. Government of A.P., rep. by its
   Secretary, Civil Supplies Department,
   Secretariat, Hyderabad and others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25273 OF 2004

ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the proceedings of the third respondent – The District Collector, Rangareddy District, Hyderabad dated 18-11-2004 as well as the consequential notification issued by the fourth respondent – Spl. Grade Deputy Collector/Revenue Divisional Officer, Rangareddy (East Division) dated 23-12-2004 thereby bifurcating the cards from the fair price shops of the petitioners as arbitrary and illegal.

This Court while issuing 'Notice Before Admission' directed that the proposed interviews for the newly constituted shops may go on, but the issuance of orders of appointment shall be deferred. By virtue of the said orders, it is not in dispute that the bifurcation has not been effected so far.

When the matter is taken up for consideration, the learned Government Pleader at the outset submitted that against the impugned order of bifurcation, an alternative remedy is available by way of appeal before the Director of Civil Supplies and therefore the petitioners ought not to have straightaway approached this Court.

It is also relevant to note that the matter involves several disputed questions of fact relating to number of cards attached to each shop, convenience of the cardholders and viability of the existing as well as new shops. Hence, it would be appropriate for the petitioners to avail the alternative remedy of appeal. Without exhausting such efficacious alternative remedy, the petitioners cannot maintain this writ petition under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is disposed of granting liberty to the petitioners to prefer an appeal against the order impugned together with an application for stay within a period of four weeks from today. If any such appeal is preferred within the time specified above, the same shall be entertained and appropriate orders be passed in accordance with law. It is made clear that the impugned order shall not be given effect to for a period of five weeks from today. No costs.

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24th November, 2005.

Note:- CC in 3 days.

(B/O)

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